

REMARKS/ARGUMENTS

Restriction Requirement

The restriction requirement has been made final. Thus, claims 23-38 and 43-50 have been cancelled. Because the requirement for restriction is final, the Applicants may petition the Commissioner to review the restriction requirement. Pursuant to 37 C.F.R. 1.144, the Applicant reserves the right to defer petitioning until after a final action on or allowance of the claims to the invention elected.

Claim Rejections

Pending claims 11-15 and 22 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,541,705 (Kan). Pending claim 11 has been amended to include the limitations of dependent claim 19. As such, the rejection of claims 11-15 and 22 is overcome.

Pending claims 39-42 were rejected under § 102(b) over U.S. Patent No. 5,671,035 (Barnes). The rejection is overcome, as pending claim 39 has been amended such that light intensity information is received from a sensor where the sensor is the plane different from and not parallel to a plane of a shading matrix. Thus claims 39-42 are patentable over Barnes.

Pending claims 16-8 and 20-21 were rejected under 35 U.S.C. § 103(a) over Kan. Applicants respectfully traverse the rejection. As noted above, claim 11 (from which claim 16 depends) was amended to state that the sensor comprises a charge-coupled device. Kan does not teach or suggest use of such a charge-coupled device as a sensor. In fact, Kan teaches away from use of such a device as a sensor in that it notes that conventional imaging devices (i.e., non-charge-coupled devices) suffer from intensity control problems. Thus the teaching in Kan is directed to solving intensity control problems in conventional non-CCD devices. For at least this reason, there is no teaching or suggestion in Kan of such a charge-coupled device and claims 16-18 and 20-21 are patentable.

Dependent claim 21 is further patentable as nowhere does Kan teach or suggest a controller that includes parameter adjustment controls. The Office action contends that “[i]n controlling the opacity, the controller controls parameters.” Office Action, p. 5. However, the controller of Kan merely provides an output that scans and modulates liquid crystal light valves. There is no teaching or suggestion of controls for parameter adjustments. Thus claim 21 is patentable for this further reason.

Pending claims 1-5 and 7-9 were rejected under 35 U.S.C. § 103(a) over Kan in view of Barnes. Applicants respectfully traverse the rejection. With regard to claim 1, neither Kan nor Barnes teach or suggest adjusting opacity of cells of a matrix when a direction of sight of a receptor is within an active zone, i.e., when the direction of sight approaches a bright light source. The Office Action concedes Kan nowhere teaches or suggests such actions. Neither does Barnes, as the retina sensor of Barnes merely determines the location of the pupil, but not with regard to when a direction of sight is within an active zone. That is, Barnes does not teach or suggest adjusting the opacity of a given plurality of cells depending on whether or not a direction of sight is within an active zone. For at least these reasons, claims 1-5 and 7-9 are patentable over the proposed combination.

With respect to dependent claim 3, nowhere does either Barnes or Kan teach or suggest identifying an axis between a receptor in a first position and a bright light source. In this regard, the Office Action refers to column 8, lines 45-60 of Barnes. However this portion of Barnes merely shows that a sensor array shown in FIG. 5 has an output that is monitored such that a corresponding portion of a matrix is darkened. However, neither this nor any other portion of Barnes teaches or suggests identifying an axis between a receptor in a first position and a bright light source.

Furthermore, with respect to claim 4, nowhere does Barnes teach or suggest determining that the receptor was moved to a second position and identifying a second axis between the receptor in the second position and the bright light source. Nor does Barnes teach or suggest adjusting opacity of a second set of matrix cells near the intersection of the second axis.

Dependent claim 8 is further patentable as nowhere does Barnes teach or suggest adjusting opacity of a second plurality of matrix cells in which the second plurality is larger than a first plurality of matrix cells.

Claims 1-5 and 7-9 are further patentable, as there is no motivation to combine Kan with Barnes. In this regard, Kan is directed to an apparatus for use with a conventional camera. As such, there is no need to identify direction of sight of a receptor; the receptor in such a camera remains fixed. In contrast, Barnes is directed to sunglasses which are used to protect a user's eyes. Accordingly, no motivation or suggestion exists in either reference to combine these disparate teachings. For this further reason, claims 1-5 and 7-9 are patentable.

Claims 51-54 stand rejected under § 103 over U.S. Patent No. 6,244,704 (Resnikoff) in view of Kan. Applicants respectfully traverse the rejection. With respect to claim 51, there is no motivation to combine Resnikoff and Kan to obtain the claimed invention. In this regard, Resnikoff would be rendered inoperable by the modification suggested by the Office Action. That is, if incident light were redirected to a sensor, the calibration method of Resnikoff would be inoperable. The calibration process of Resnikoff requires a user to look at a light source, placing a receptor and a sensor in a field of view of the light source. In contrast, if the incident light were redirected instead to a light sensor, proper calibration could not be effected.

Further, there is no motivation to combine Resnikoff with Kan. For the same reasons discussed above with regard to the combination of Kan and Barnes, there is no motivation or suggestion to combine the disparate teachings of Resnikoff and Kan, as Kan is directed to an apparatus for a conventional camera while Resnikoff is directed to sunglasses for protecting a user's eyes. For at least these reasons, there is no motivation to combine Resnikoff and Kan, and claims 51-54 are patentable.

Dependent claims 53 and 54 are further patentable, as the Office Action concedes that neither reference provides any teaching or suggestion to modify particular amounts of cells depending on whether an angle between a bright light source and direction of sight is in an active or passive zone. For this further reason, dependent claims 53 and 54 are patentable over the proposed combination.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 14-0116.

Respectfully submitted,

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James M. Cate
James M. Cate, Reg. No. 25,181
Attorney for Applicant

NASA Johnson Space Center/HA
NASA Road One
Houston, Texas 77058
Telephone: 281-483-1001 or -4871 Datafax: 281-244-8452